IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Writ petition NO. 1530 of 1991

Mr. Mayur Ganesh Raja ... ... Petitioner

vs.

Union of India and ors. . ... Respondents

Mr. J. P. Shah i/b. Kamal & Co., for Petitioner
Mr. A. J. Rana with
Ms. S. V. Bharucha for Respondents.

CORAM: **S. RADHAKRISHNAN**
AND
A. S. AGUIAR JJ.

Date: 16/6/2005

P.C.

1. Heard learned counsel for the Petitioners and the learned counsel for the Respondents. Both the learned counsel categorically state that the facts and circumstances involved in the present writ petition are also identical with the facts and circumstances involved in Writ Petition No. 1698 of 1991 (**Mr. Vipul Indravardhan Desai vs. Union of India & Ors.,** which was disposed of on 27th January 2005. The above matter is also covered by the decision in the case of **Ramesh Occhavlal Shah V/s. Union of India** reported in **1992 (62) E.L.T.**

280 (Bom.), excepting that the policy involved in the reported judgment was of the year 1980-81, 1981-82 and 1982-83, whereas in the present case the policy involved is in respect of the year 1983-84 and there is no difference in the policy.

2. It appears that when the above petition was admitted by an interim order the Petitioner was allowed to clear goods, subject to the exemption of the goods and on production of the original letter. However, it appears that the Petitioner could not produce any such original letter.

3. Having regard to the facts and circumstances of the above judgment in **Ramesh Occhaval Shah (supra)** of our court we direct the Petitioner to approach the concerned authority with all the requisite information and details and the original permissions for necessary endorsements and clearance within a period of one month from today. The authority to consider the case of the Petitioner having regard to the relevant import policy and give its decision thereof by passing a reasoned order, within a period of two months thereafter. Hence Rule. Rule made absolute in terms of the above. However, there will be no order as to costs.

S. RADHAKRISHNAN J

A. S. AGUIAR J.